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Attorney Docket No.: P-7959-US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: GAZIT, Hillel

Examiner: FERRIS, Derrick W.

Serial No.: 09/295,676

Group Art Unit: 2663

Filed: April 21, 1999

Title: METHOD FOR PREVENTING BUFFER UNDERFLOW DURING DIGITAL  
TRANSPORT STREAM TRANSMISSION, MULTIPLEXING AND  
SPLICING

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FEB 06 2006

**OFFICE OF PETITIONS**

**PETITION FOR REVIVAL OF AN UNINTENTIONALLY ABANDONED  
APPLICATION UNDER 37 CFR 137(b)**

Mail Stop Petitions  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The above identified application became abandoned for failure to file a timely and proper reply to an Office Action mailed on December 30, 2002. The application became abandoned on June 30, 2003. A Notice of Abandonment was mailed on April 19, 2004.

**The application was abandoned unintentionally. Applicants hereby petition for revival of the application.**

In support of this Petition, Applicants hereby attach:

- (a) a small entity petition fee of \$750. Applicants hereby claims small entity status. Please charge this fee and any other fee associated with this Petition to Deposit Account No. 50-3355.
- (b) an Amendment and Response to the outstanding Office action, enclosed herewith as **Exhibit A**.

02/03/2006 SZEUDIE1 00000055 503355 09295676

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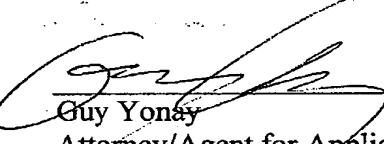
APPLICANT(S): GAZIT, Hillel  
SERIAL NO.: 09/295,676  
FILED: April 21, 1999  
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- (c) a statement that the entire delay was unintentional, as evidenced by the attached Statement in Support of Petition for Revival of Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 137(b), enclosed herewith as **Exhibit B.**

Applicants respectfully note that because this Application was filed after June 8, 1995, no terminal disclaimer is required.

Based on the above, Applicants respectfully request that the Petition to Revive the Application be granted.

Respectfully submitted,



Guy Yonay  
Attorney/Agent for Applicant  
Registration No. 52,388

Dated: February 1, 2006

**Pearl Cohen Zedek Latzer, LLP**  
10 Rockefeller Plaza, Suite 1001  
New York, New York 10020  
Tel: (212) 632-3480  
Fax: (212) 632-3489

# **Exhibit A**



Expedited Procedure under 37 CFR 1.116

Group Art Unit (2663)

Attorney Docket No.: P-7959-US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: GAZIT, Hillel

Examiner:

FERRIS, Derrick W.

Serial No.: 09/295,676

Filed: April 21, 1999

Title: METHOD FOR PREVENTING BUFFER UNDERFLOW DURING DIGITAL  
TRANSPORT STREAM TRANSMISSION, MULTIPLEXING AND  
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**AMENDMENT**

FEB 06 2006

OFFICE OF PETITIONS

Mail Stop AF  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Amendment is filed in response to the Office Action dated December 30, 2002 issued by the United States Patent and Trademark Office in connection with the above-identified Application. A response to the December 30, 2002 Office Action was due March 30, 2003. A Notice of Abandonment was issued by the USPTO on April 19, 2004. Applicants are concurrently filing a Petition for Revival of Unintentionally Abandoned Application, including the required fee and declaration. Accordingly this Amendment is being timely filed.

Kindly amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 4 of this paper.

APPLICANT(S): GAZIT, Hillel  
SERIAL NO.: 09/295,676  
FILED: April 21, 1999  
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#### AMENDMENTS TO THE CLAIMS

Please add or amend the claims to read as follows, and cancel without prejudice or disclaimer to resubmission in a divisional or continuation application claims indicated as cancelled:

1-7. (Cancelled)

8. (Currently Amended) The method of claim 7 A method for processing a digitally encoded multimedia stream of data that is in packets including processing prior to transmission, multiplexing, and splicing to prevent underflow of a decoder buffer of a predetermined size, each frame having a presentation time stamp and a decoding time stamp, said method comprising the steps of:

- a) determining, prior to transmission of a data stream, a potential data underflow for said decoder buffer by a process of emulation when said decoder buffer is less than said predetermined size;
- b) adding a predetermined value to said presentation time stamp when said potential data underflow is determined in step a); and
- c) adding said predetermined value to said decoding time stamp when said potential data underflow is determined in step a);  
whereby a buffer underflow of said decoder buffer is prevented, wherein said predetermined value added to said presentation time stamp is an amount T determined by the relationship:

$$T = (B - x) / [S * (P - H) / P]$$

where: B = the size of said decoder buffer;

x = the size of said current buffer;

S = the bit rate of said transport stream;

P = a uniform size of said packets; and

H = a minimum header size for each of said packets,

wherein said current buffer level is x, said packets have a uniform size P and each packet has a minimum header size H, a maximum number of null packets deleted is by the relationship:

$$N = (B - x) / (P - H)$$

APPLICANT(S): GAZIT, Hillel  
SERIAL NO.: 09/295,676  
FILED: April 21, 1999

Page 3

where:  $N = \text{a number of packets}[[;]]$ .

~~B = the size of said decoder buffer;~~

~~x = the size of said current buffer;~~

~~P = a uniform size of said packets; and~~

~~H = a minimum header size for each of said packets.~~

9-12. (Cancelled)

APPLICANT(S): GAZIT, Hillel  
SERIAL NO.: 09/295,676  
FILED: April 21, 1999  
Page 4

#### **REMARKS**

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

#### **Status of Claims**

Claims 1, 2, 7, 8 and 12 are pending in the application.

Claims 1, 2, 7 and 12 have been rejected.

Claim 8 has been objected to.

Claim 8 has been amended in this submission.

Claims 1-7 and 9-12 have been canceled without prejudice or disclaimer. In making this cancellation without prejudice, Applicants reserve all rights in these claims to file divisional and/or continuation patent applications.

#### **Allowable Subject Matter**

In the Office Action, the Examiner stated that claim 8 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. Applicants have done so, and accordingly, respectfully request allowance at this time.

APPLICANT(S): GAZIT, Hillel  
SERIAL NO.: 09/295,676  
FILED: April 21, 1999  
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## CLAIM REJECTIONS

### 35 U.S.C. § 103 Rejections

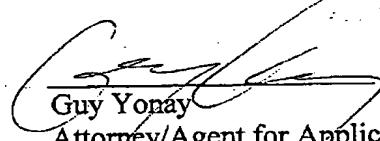
In the Office Action, the Examiner rejected claims 1, 2, 7 and 12 under 35 U.S.C. § 103(a), as being unpatentable over Tahara et al. (US Patent No. 5,894,328) in further view of Hurst, Jr. (US Patent No. 6,038,000). As claims 1, 2, 7 and 12 have been cancelled, the rejection is moot.

In view of the foregoing amendments and remarks, the pending claim is deemed to be allowable. Its favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,



Guy Yonay  
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Dated: February 1, 2006

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## **Exhibit B**



Attorney Docket No.: P-7959-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: GAZIT, Hillel      Examiner: FERRIS, Derrick W.

Serial No.: 09/295,676      Group Art Unit: 2663

Filed: April 21, 1999

Title: METHOD FOR PREVENTING BUFFER UNDERFLOW DURING DIGITAL TRANSPORT STREAM TRANSMISSION, MULTIPLEXING AND SPLICING

**STATEMENT IN SUPPORT OF PETITION FOR REVIVAL OF AN UNINTENTIONALLY ABANDONED APPLICATION UNDER 37 CFR 137(b)**

Mail Stop Petitions  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, the undersigned Yael Lapid, submit this declaration in support of a petition to revive the above-identified application (the "Application") abandoned unintentionally. The below is true and accurate to the best of my knowledge:

1. The Application was filed on April 21, 1999 by inventor Hillel Gazit, and assigned to ViewGraphics, Inc.
2. At the time the Application was filed, ViewGraphics' dealings with the United States Patent and Trademark Office ("USPTO") were handled by Computer Graphics System Development Corporation ("CGSD").
3. ViewGraphics and CGSD filed the Application via a patent attorney named Douglas M. Clarkson, located in Canton, Georgia. CGSD was the only contact regarding the Application. We were never in contact with Mr. Clarkson.

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APPLICANT(S): GAZIT, Hillel  
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4. Shortly after the filing of the Application, the assets of ViewGraphics were acquired by Optibase Ltd., the current assignee of the Application.

5. Apparently, the USPTO issued an Office action on December 30, 2002. We were not informed of the Office action at that time.

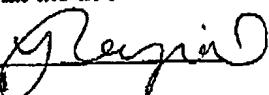
6. On June 30, 2003, the Application became abandoned for failure to file a timely and proper reply to the Office. A Notice of Abandonment was mailed on April 19, 2004. We were not informed of the Notice of Abandonment at that time.

7. We had no substantive communication at all from CGSD or Mr. Clarkson until late 2004, when upon my inquiry regarding the Application, CGSD advised me that Mr. Clarkson died suddenly, and that the Application needed to be revived. CGSD did not tell me when Mr. Clarkson died.

8. During 2005, we worked with our patent attorneys at Pearl Cohen Zedek Latzer to obtain the papers needed for revival of the Application, including a signed assignment from ViewGraphics to Optibase, a copy of the Application, and a copy of the outstanding Office action.

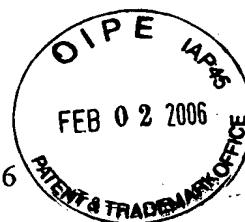
9. The Application was abandoned unintentionally, as Applicants never received the Office action during the period set for response to the Office action. In addition, the entire delay in responding to the Office action was unintentional, while Applicants obtained the required papers and information, and prepared the attached response to the Office action.

I declare that the above is true and accurate to the best of my knowledge.

  
Yael Lapid

Dated: January 26, 2006

Expedited Procedure under 37 CFR 1.116  
Group Art Unit (2663)



Attorney Docket No.: P-7959-US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: GAZIT, Hillel

Examiner: FERRIS, Derrick W.

Serial No.: 09/295,676

Filed: April 21, 1999

Title: METHOD FOR PREVENTING BUFFER UNDERFLOW DURING DIGITAL TRANSPORT STREAM TRANSMISSION, MULTIPLEXING AND SPLICING

**AMENDMENT**

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  - b) adding a predetermined value to said presentation time stamp when said potential data underflow is determined in step a); and
  - c) adding said predetermined value to said decoding time stamp when said potential data underflow is determined in step, a);
- whereby a buffer underflow of said decoder buffer is prevented, wherein said predetermined value added to said presentation time stamp is an amount T determined by the relationship:

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where: B = the size of said decoder buffer;

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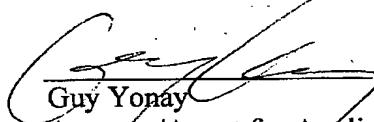
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Respectfully submitted,



Guy Yonay  
Attorney/Agent for Applicant  
Registration No. 52,388

Dated: February 1, 2006

**Pearl Cohen Zedek Latzer, LLP**  
10 Rockefeller Plaza, Suite 1001  
New York, New York 10020  
Tel: (212) 632-3480  
Fax: (212) 632-3489

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